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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RHONDA TAYLOR MITCHELL,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Case No.: 2:20-cv-01979-DJA

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C. §
2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff Rhonda Taylor Mitchell [Plaintiff] be awarded attorney fees and expenses in the amount of six thousand eight hundred and ninety five dollars (\$6,895) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel Hal Taylor (counsel) in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
2 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
3 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
4 whether the fees are subject to any offset allowed under the United States Department of the
5 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
6 whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
8 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
9 and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any
10 payments made shall be delivered to counsel.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
12 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
13 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
14 all claims that Plaintiff and/or counsel including counsel's firm may have relating to EAJA attorney
15 fees in connection with this action.

16 This award is without prejudice to the rights of counsel to seek Social Security Act attorney
17 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

18 Respectfully submitted,

19 /s/ Hal Taylor*

20 Hal Taylor, Esq.

21 *authorized via email by Hal Taylor on Oct. 1, 2021
22 Attorney For Plaintiff

23 CHRISTOPHER CHIOU

Acting United States Attorney

24 /s/ Chantal R. Jenkins

25 CHANTAL R. JENKINS

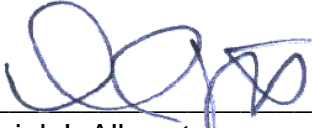
Special Assistant United States Attorney

ORDER

IT IS ORDERED that the parties' stipulation (ECF No. 28) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C.A. § 2412 (ECF No. 27) is DENIED as moot.

DATED this 4th day of October, 2021.



Daniel J. Albregts
United States Magistrate Judge

CERTIFICATE OF SERVICE

I, Chantal R. Jenkins, certify that the following individual was served with a copy of the FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) on the date and via the method of service identified below:

Hal Taylor
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I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 1, 2021

/s/ Chantal R. Jenkins
CHANTAL R. JENKINS
Special Assistant United States Attorney